

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL JACKSON,

Petitioner,

v.

CASE NO. 07-13833  
HONORABLE LAWRENCE P. ZATKOFF

C. EICHENLAUB,

Respondent.

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**ORDER DENYING PETITIONER’S MOTION FOR ISSUANCE OF THE WRIT  
AND HOLDING CASE IN ABEYANCE  
PENDING EXHAUSTION OF ADMINISTRATIVE REMEDIES**

This matter is pending before the Court on petitioner Michael Jackson’s *pro se* Petition for the Writ of Habeas Corpus under 28 U.S.C. § 2241 [dkt 1] and Petitioner’s Motion for Issuance of the Writ [dkt 5]. Petitioner is an inmate at the Federal Correctional Institution in Milan, Michigan. He alleges that the Federal Bureau of Prisons makes categorical decisions about inmates’ requests for placement in a Residential Re-entry Center (“RCC”) or halfway house. He claims that the Bureau’s categorical decisions conflict with a congressional directive to apply the factors enumerated in 18 U.S.C. § 3621(b) when deciding whether to place an inmate in a RCC. He further alleges that two of the Bureau’s regulations, 28 C.F.R. §§ 570.20 and 570.21, are invalid and should not be used when making decisions about an inmate’s community placement.

Respondent argues in a Response to the Habeas Petition that Petitioner has not exhausted administrative remedies for his claims. “Federal prisoners must exhaust their administrative remedies prior to filing a habeas petition under § 2241.” *Fazzini v. Northeast Ohio Corr. Ctr.*, 473 F.3d 229, 231 (6th Cir. 2006). They must file a request for administrative review with the warden,

the Regional Director for the Bureau of Prisons, and with the Office of General Counsel or Administrator for National Inmate Appeals. 28 C.F.R. §§ 542.10(a) and 542.13–15; *Irwin v. Hawk*, 40 F.3d 347, 349 n.2 (11th Cir. 1994).

Petitioner's request for administrative relief was pending with the North Central Regional Office of the Bureau of Prisons as of October 1, 2007. *See* Rebuttal to Response to Petition for Writ of Habeas Corpus, Ex. 8. Upon receipt of a decision from the Regional Administrator, Petitioner must apply to the Administrator for National Inmate Appeals. 28 C.F.R. § 542.15. The regional and national administrators are expected to render decisions within a few months. Accordingly, the Court denies without prejudice (1) Respondent's request to dismiss the Habeas Petition for failure to exhaust administrative remedies and (2) Petitioner's Motion for Issuance of the Writ of Habeas Corpus.

The Court will hold this case in abeyance until the Regional Administrator for the Bureau of Prisons and the Administrator for National Inmate Appeals complete their review of Petitioner's requests for administrative relief. Respondent shall have 21 days from the date of the final administrative decision in Petitioner's case to file a supplemental response to the habeas petition.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: November 16, 2007

# CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 16, 2007.

s/Marie E. Verlinde

Case Manager

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